

ARTICLE APPEARED
ON PAGE A4

THE WASHINGTON POST
22 May 1981

Attorney General Urges Repeal of Prosecutor Act

By Charles R. Babcock
Washington Post Staff Writer

Attorney General William French Smith yesterday called for immediate repeal of the Watergate-inspired special prosecutor act, saying it had "severe constitutional problems" and is "unfair and wasteful."

At a news conference, Smith said that if Congress rejects his suggestion he will recommend that the act be narrowed to cover only the president, vice president and attorney general.

Smith also said that the attorney general, rather than a special court, should appoint the prosecutor, and that the outside attorney should be bound by the Justice Department's usual standards of prosecutorial discretion.

A Senate subcommittee heard testimony Wednesday from three Carter administration officials, who criticized the act but said the law should be retained after changes to prevent massive investigations of minor crimes such as the alleged use of cocaine by Carter aides Hamilton Jordan and Timothy Kraft.

Jordan and Kraft were not charged after lengthy investigations by special prosecutors. Critics of the act noted that it was unlikely that the two officials would have been investigated under normal Justice standards because federal drug enforcement authorities target mass distributors rather than individual users.

The news conference was the second held by Smith as attorney general, and aides acknowledged that it was scheduled in part to rebut a recent report in Business Week magazine that said he was off to a slow start and that the White House is decreeing policy on many issues.

Smith denied that the White House had set up a "pre-clearance procedure" to review department policy announcements, as the article reported. Any concept that there is White House "interference in the discretion that would normally be applied here is just plain wrong," he said.

On other subjects, Smith said:

- He is taking a serious look at combining the Drug Enforcement Administration and the FBI to increase the drug enforcement effort. He said the State and Treasury departments must play a more active role in fighting narcotics abuse.

- He would not characterize the American Civil Liberties Union as part of a "criminal lobby" as White House counselor Edwin Meese III did in a recent speech.

- He could not comment on the possible indictment of interim Teamsters Union President Roy L. Williams, but he noted that if he were a member of an organization whose leader was under indictment he would vote against "somebody who had that cloud."

- He supported the administration's effort to amend the Foreign Corrupt Practices Act, which prohibits American companies from paying bribes overseas. He said some of the act's provisions inhibit U.S. international trade, but he rejected a suggestion that his position could be seen as advocating bribery.

- He said he agreed with the stand of CIA Director William J. Casey in seeking authority to make warrantless searches of newsrooms in search of evidence about the disclosure of CIA agents' identities.

Smith said the reasons Casey "has advanced are persuasive" but resisted saying why he supported the idea. "He's better able to articulate his position," Smith said.

The administration is pushing a bill to ban the unauthorized disclosure of the names of CIA officers.